

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSE ALFREDO SUAREZ,)	Case No.: 1:22-cv-00160-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING CLERK OF COURT TO
v.)	RANDOMLY ASSIGN A DISTRICT JUDGE TO
)	THIS ACTION
KEN CLARK, et al.,)	
)	FINDINGS AND RECOMMENDATIONS
Defendants.)	RECOMMENDING DISMISSAL OF CERTAIN
)	DEFENDANTS AND CLAIMS
)	
)	(ECF No. 13)
)	

Plaintiff Jose Alfredo Suarez is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 25, 2022, the Court screened Plaintiff's complaint, and found that he stated a cognizable excessive force claim against Defendant O. Valladolid, a cognizable failure to intervene claim against Defendants B. Camargo, Gamboa, and John Doe No. 4, and a cognizable retaliation claim against Defendant Gamboa. (ECF No. 13.) Plaintiff was granted the opportunity to file an amended complaint or notify the Court of his intent to proceed on the claims found to be cognizable. (Id.) On April 11, 2022, Plaintiff filed a notice of intent to proceed on the claims found to be cognizable. (ECF No. 14.)

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1 Accordingly, it is HEREBY ORDERED that the Clerk of the Court shall assign a District
2 Judge to this action

3 Further, it is HEREBY RECOMMENDED that:

- 4 1. This action proceed on Plaintiff's excessive force claim against Defendant O. Valladolid,
5 failure to intervene claim against Defendants B. Camargo, Gamboa, and John Doe No. 4,
6 and retaliation claim against Defendant Gamboa; and
7 2. All other Defendants and claims be dismissed from the action for failure to state a
8 cognizable claim for relief.

9 These Findings and Recommendations will be submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**
11 after being served with these Findings and Recommendations, Plaintiff may file written objections
12 with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
13 Recommendations." Plaintiff is advised that failure to file objections within the specified time may
14 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
15 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

16
17 IT IS SO ORDERED.

18 Dated: April 13, 2022


UNITED STATES MAGISTRATE JUDGE